

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL F. SCHULZE,

Plaintiff,

v.

FEDERAL BUREAU OF  
INVESTIGATION, *et al*,

Defendants.

**1:05-cv-180 AWI GSA**

**ORDER DENYING MOTION FOR STAY**

**(Doc. 119)**

Plaintiff, Michael Schulze (“Plaintiff”), filed a Motion to Stay on May 16, 2014. (Doc. 119). In the motion, Plaintiff requests that this case be stayed pending his transfer to another prison.

“[T]he decision to grant a stay ... is ‘generally left to the sound discretion of district courts.’” *Ryan v. Gonzales*, — U.S. —, —, 133 S.Ct. 696, 708, (2013) (quoting *Schrivo v. Landrigan*, 550 U.S. 465, 473, 127 S.Ct. 1933 (2007)). However, “[t]he proponent of a stay bears the burden of establishing its need,” and issuing a stay without taking any account of the nonmovant’s interests in proceeding can be an abuse of discretion. *Clinton v. Jones*, 520 U.S. 681, 708, 117 S.Ct. 1636 (1997). In determining whether to stay proceedings, courts generally “consider[ ] the following factors: (1) judicial economy; (2) the moving party’s hardship; and (3)

1 potential prejudice to the non-moving party.” *Single Chip Sys. Corp. v. Intermec IP Corp.*, 495  
2 F.Supp.2d 1052, 1057 (S.D.Cal.2007).

3 Here, there are no upcoming deadlines since all of the briefing on the pending motions  
4 has been completed. Accordingly, there is no need to stay this litigation at this time. Plaintiff is  
5 advised that pursuant to Local Rule 182(f) he must keep the Court apprised of his new address  
6 once the transfer is complete. Failure to do so may result in dismissal of this action.  
7

8 Accordingly, it is hereby ordered that Plaintiff's motion to stay this action is DENIED.  
9 The Clerk of the Court is directed to serve this order on Plaintiff via United States mail at the  
10 following addresses :

11  
12 Michael Schulze  
13 36817-048  
14 FCI Estill  
15 P.O. Box 699  
Estill, SC 29918

Michael Schulze  
Register Number 36817-048  
c/o Chris F. Schulze  
91-189 Ewa Beach Road  
Ewa Beach, HI 96706

16  
17  
18 IT IS SO ORDERED.  
19

20 Dated: June 3, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE